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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 ABRAHAM S. KLAGSBRUN,)
09 Plaintiff,) CASE NO. C11-2041-RAJ-MAT
10 v.)
11 MICHAEL ASTRUE,) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
12 Defendant.)
13 _____)

14 Plaintiff brought this action to seek judicial review of the denial of his application for
15 Disability Insurance Benefits (DIB) by the Commissioner of the Social Security
16 Administration. The parties have now stipulated that this case should be reversed and
17 remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 14.)

18 Based on the stipulation of the parties, the Court recommends that this case be
19 REVERSED and REMANDED for further administrative proceedings. The parties have
20 stipulated that, on remand, the Administrative Law Judge (ALJ) will: (1) provide a *de novo*
21 hearing and a new decision regarding plaintiff's DIB application; (2) provide plaintiff with the
22 opportunity to submit further evidence and argument at the new hearing; (3) further consider,

01 and properly assess, the plaintiff's sleep apnea and pain disorder and whether these
02 impairments cause additional work-related limitations; (4) further consider plaintiff's
03 impairments at Step 3 of the sequential evaluation process; (5) further consider the opinions of
04 plaintiff's treating and examining physicians; (6) further consider and reassess plaintiff's
05 residual functional capacity; (7) reevaluate plaintiff's credibility; and (8) if necessary, obtain
06 and consider supplemental vocational expert testimony to determine whether plaintiff can
07 perform other work. Additionally, upon proper application, the Court will consider plaintiff's
08 application for attorney fees and expenses pursuant to 28 U.S.C. § 2412, and costs pursuant to
09 28 U.S.C. § 1920.

10 Given the above, the Court recommends that United States District Judge Richard A.
11 Jones immediately approve this Report and Recommendation and order the case REVERSED
12 and REMANDED for further administrative proceedings. A proposed order accompanies this
13 Report and Recommendation.

14 DATED this 3rd day of May, 2012.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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